IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3615 OF 2005

Sadanand Gopal Kamble. ... Applicant.

Versus.

The State of Maharahstra ... Respondent.

Shri Kuldeep Patil i/by Shri Deepak Girme for the Applicant.

Shri R.Y.Mirza, A.P.P. for the Respondent.

CORAM : ABHAY S. OKA, J.

DATED : 13th June, 2005.

P.C.:

1. Heard the learned Counsel appearing for the parties.

2. Offences have been registered against the Applicant and others punishable under sections 143, 147, 148, 149, 120B, 201 and 307 of the Indian Penal Code. The other three Accused have been arrested and released on bail. The Application made by the Applicant in the Sessions Court has been rejected on the ground that for last 9 months, the Applicant has been absconding.

3. The learned Counsel for the Applicant submitted that the Applicant is a resident of Pune and all along he was residing at Pune. He submitted that the Police have not arrested the Applicant and the Applicant has never absconded.

4. The learned A.P.P. appearing for the State states that the other Accused in the offence were arrested in September and October 2004 and the Applicant could not be arrested as he was absconding. He, therefore, submitted that considering the gravity of the offence and considering the fact that the Applicant was absconding, no case is made out grant of anticipatory bail.

5. I have considered the submissions. The allegations against the Applicant are of serious nature. The injuries on the person of the victim are very serious injuries as reflected from the documents on record. The allegation against the Applicant is that he was the person who caught the injured and the other persons have mounted the assault.

6. When the other Accused were arrested in September and October 2004, it is very difficult to accept the submission that though the Applicant was available in Pune he was not arrested by the Police. There is no reason to find fault with the reasons given by the learned Sessions Judge while rejecting the Application of the Applicant. As the Applicant was absconding and could not be arrested for last about 9 months, he is not entitled to the relief of anticipatory bail. Apart from that, considering the seriousness of the allegations against the Applicant, this is not a case where

custodial interrogation can be dispensed with.

7. There is no merit in the Application. The Application is rejected. It is obvious that the observations which are made in this order are for the limited purpose of considering grant of anticipatory bail.

8. At this stage the learned Counsel for the Applicant prays that reasonable time be granted to the Applicant to surrender. Accordingly the Applicant is granted time of seven days to surrender before the Investigating Officer.

9. Application stands disposed of.

Judge.